

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SAAD BAHODA,

Petitioner,

Case No. 17-cv-13505
Hon. Matthew F. Leitman

v.

SHERMAN CAMPBELL,

Respondent.

**ORDER (1) CONSTRUING MOTION TO ISSUE CERTIFICATE OF
APPEALABILITY (ECF #11) AS MOTION FOR RECONSIDERATION, (2)
DENYING MOTION, AND (3) DIRECTING THE CLERK OF THE COURT TO
TRANSFER THE MOTION TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

On February 27, 2019, this Court issued an Opinion and Order in which it denied Petitioner Saad Bahoda a writ of habeas corpus. (*See* Op. and Order, ECF #9.) In that Opinion and Order, the Court declined to grant Bahoda a certificate of appealability because “jurists of reason would not debate the Court’s conclusion that Bahoda ha[d] failed to demonstrate entitlement to habeas relief with respect to any of his claims.” (*Id.* at Pg. ID 2248.)

On March 28, 2019, Bahoda filed a notice of appeal. (*See* Notice, ECF #12.) He also filed what he called a “Motion for a Certificate of Appealability.” (*See* Mot., ECF #11.) The Court will construe Bahoda’s motion as a motion for reconsideration of the Court’s earlier decision declining to grant him such a certificate.

Bahoda has failed to establish that he is entitled to relief. Under this Court's local rules, a party moving for reconsideration "must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case." E.D. Mich. Local Rule 7.1(h)(3). Bahoda has failed to satisfy either requirement. Accordingly, Bahoda's motion (ECF #11) is **DENIED**.

Moreover, where, as here, the Court has denied a habeas petitioner a certificate of appealability, "[t]he proper procedure ... is for the petitioner to file a motion for a certificate of appealability before the appellate court in the appeal from the judgment denying the [petition]." *Sims v. U.S.*, 244 F.3d 509 (6th Cir. 2001) (citing Fed. R.App. P. 22(b)(1)). Bahoda should therefore direct his request for a certificate of appealability to the United States Court of Appeals for the Sixth Circuit, where his appeal is pending. The Court, in the interests of justice, **DIRECTS** the Clerk of the Court to transfer Bahoda's motion for a certificate of appealability (ECF #11) to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

IT SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 6, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 6, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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